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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,926	06/11/2001	Jorg Kopp	112740-170	2930
29177	7590	06/14/2005		EXAMINER
BELL, BOYD & LLOYD, LLC				LE, VIET Q
P. O. BOX 1135				
CHICAGO, IL 60690-1135			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/857,926	KOPP ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Viet Q. Le	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 April 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 4-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. This communication is in response to applicant's amendment filed on April 01, 2005. Claims 4-6 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Biegaj et al. (U.S. 6,091,730), hereinafter referred to as Biegaj.

Regarding claim 4, Biegaj disclosed a method for operating interface modules in an ATM communication device (See Fig. 2), wherein the interface modules (Figure 2, boxes 211 & 227 and 213 & 227) are connected to a central control unit (See Fig. 2, box 201), the method comprising the steps of:

Specifying each of the interface modules is specified as one of active and redundant (Column 4, lines 4-8; Column 7, lines 9-13);

Providing control commands for establishment and clearing of at least one virtual connection between the central control unit and the interface modules (See column 6, lines 16-17); and

Transmitting the control commands approximately simultaneously from the central control unit to the active and the redundant interface modules (Column 7, lines 9-13, 49-59);

Wherein the central control unit is notified of respective receipt of the control commands only by the active interface modules (See column 7, lines 1-6. Only active interface send the acknowledgement back to the controller. When the primary card failed, the system will switch to the redundant interface card and the redundant card becomes active and it will send the acknowledgement back to the controller because the primary card already failed. When the system does not fail, only the primary card send the acknowledgement to the controller).

Regarding claim 5, Biegaj disclosed a method as described in claim 4 no additional synchronization of the redundant and active interface modules is performed (See Column 7, lines 9-13 & 49-59).

Regarding claim 6, Biegaj disclosed a method as described in claim 4, wherein the procedures provided for controlling the active and redundant interface modules are processed approximately concurrently (See column 4, lines 54-57; column 7, lines 9-13).

***Response to Arguments***

4. Applicant's arguments filed April 01, 2005 have been fully considered but they are not persuasive.

Applicant argues on page 3 that Biegaj does not disclose providing control commands for establishment and clearing of at least one virtual connection between the central control unit and the interface modules.

Examiner respectfully disagrees. Biegaj does disclose providing control commands for establishment and clearing of at least one virtual connection between the central control unit and the interface modules (See column 6, lines 16-17).

Applicant argues on page 3 that Biegaj does not transmit the control commands approximately simultaneously from the central control unit to the active and the redundant interface modules.

Examiner respectfully disagrees. Biegaj does transmit the control commands approximately simultaneously from the central control unit to the active and the redundant interface modules (Column 7, lines 9-13, 49-59) where the central control unit is notified of respective receipt of the control commands only by the active interface modules (See column 7, lines 1-6. Only active interface send the acknowledgement back to the controller. When the primary card failed, the system will switch to the redundant interface card and the redundant card becomes active and it will send the acknowledgement back to the controller because the primary card already failed. When

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the system does not fail, only the primary card send the acknowledgement to the controller).

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

  
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